MULTIMEDIA UNIVERSITY STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY
FINAL EXAMINATION

TRIMESTER 2, 2018/2019

ULB 2612 – LABOUR LAW

(All Sections/Groups)

14 MARCH 2019
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time : 9.15 a.m. – 12.15 p.m
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 Pages and 5 Questions only.

3. Section A is Compulsory and carries 75 marks. In Section B attempt either Question 4(a) or 4(b). The distribution of the marks for each question is given.

4. Students are allowed to bring into exam hall a CLEAN and ORIGINAL copy of:
   i. Employment Act 1955
   ii. Industrial Relations Act 1967
   iii. Trade Union Act 1959
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

SECTION A – ANSWER ALL QUESTIONS

QUESTION 1

"Employees are entitled to the full suite of common law and statutory employment rights", as per Dr Guru Dhillon in *Understanding Labour Law, pp2 (Pearson Books).*

Critically evaluate the statement above by referring to employment related statutes and common law cases.

(Total: 25 marks)

QUESTION 2

All employers and employees must contribute on a monthly basis into the Employee Provident Fund (hereinafter referred to as EPF account). Also, employees may opt to withdraw monies from their EPF accounts under the pre-retirement withdrawal schemes.

You are required to state the current mandatory level of contributions by the employer and the employee into the EPF account. Subsequent to this, provide examples of situations where employees may withdraw under the pre-retirement withdrawal schemes. Further, list down the procedures that need to be adhered to when attempting to withdraw from your EPF account.

(Total: 25 marks)

QUESTION 3

Rebecca works with Lokeka & Co in Kuala Lumpur as a receptionist. She was on maternity leave for two months after the delivery of her third baby. Suddenly she discovered that some of her wages had been deducted during her maternity leave. Rebecca was extremely sad and she approached her employer Mr Karam Singh. He explains that it is at the discretion of the employer if paid maternity leave should be granted for two months. She comes to you to enquire whether an employer can make such deductions with this reason. She also seeks to know further on the provisions in the law on maternity protection.

Advise Rebecca on her rights.

(Total: 25 marks)

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SECTION B – ANSWER EITHER QUESTION 4(A) OR QUESTION 4 (B)

QUESTION 4 (A)

Miss Ling is employed as a Chief Chemical Engineer of Lexchem Berhad. Miss Ling started off working very well in the first six months at work whereby she used to fill 50 Chemical containers on a daily basis but in the last 3 months she has only managed to fill roughly around 20 containers. She easily gets tired and therefore can never fill more than 20 containers per day. Recently, her skin has developed lots of rashes due to the exposure from the chemicals which she claims makes her unwell and she therefore gets tired by half day.

As a result of the alleged poor performance, Miss Ling was designated a new position as deputy chief chemical engineer drawing the same salary but which is in fact a lower ranking post. Also, she now has to share a room with 3 other staff but previously she had her own room. She also has to report to The Chief Engineer every hour on the progress of the overall chemical filling in the company. Although Miss Ling does not need to fill 50 containers on a daily basis due to her condition, her working hours have been extended by 1 hour on a daily basis. She wants to know if she can make a claim against the company for constructive dismissal. Advise Miss Ling.

(Total: 25 marks)

QUESTION 4 (B)

"Be The Change Pte Ltd" is a private company that develops pharmaceutical products in Malaysia. Helen works as a legal advisor for the Company. She has been working there for the last 5 years. Her salary was only revised after 1 year from the time she joined. Her last drawn salary is 7,000.00 per month.

Helen is assessed for her work performance annually through a Key Performance Index (KPI) evaluation. In the latest 2018 evaluation, she is adjudged to perform below expectations. Helen was very upset about this as she felt she was adjudged unfairly by her supervisor. She storms into Karpal Singh's office, the Chief Legal Advisor, and seeks an explanation. Karpal proceeds to explain his point of view in issuing out a poor assessment onto her, but she feels that Karpal has been unfair in the assessment and feels that she was victimised. Helen became very angry and started telling rude words about the company. Karpal could not tolerate Helen's behaviour and also started shouting at her. Helen was enraged and punched his office door. She told Karpal that she had better not meet him anywhere in town.

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The next day, Helen receives a letter from the company stating that her services are hereby terminated.

The excerpts from the letter are as follows:

Dear Ms Helen,

It has come to our attention that you are no longer fit to work with this company, as such your services are hereby terminated with immediate effect.
Thank you for the services that have been rendered and good luck in your future undertakings.

Yours sincerely,
Karpal Singh

You are an Industrial and Labour law practitioner practising at Messrs Maran & Co. Advise her.

(Total: 25 marks)

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